

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Stephen D. Kuslich et al.
Serial No.: 10/627,589
Filed: July 25, 2003
Group Art Unit: 3738
Confirmation No.: 2967
Examiner: Willse, David H.
Title: **LAPAROSCOPIC SPINAL STABILIZATION SURGICAL METHOD**
Atty Docket No. ZMS-IF31US

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A NONSTATUTORY
DOUBLE PATENTING REJECTION (37 CFR 1.321(c))**

1. I, Jacques R. Wilson, the attorney of record for this invention, submit this disclaimer and certificate on behalf of the assignee, Zimmer Spine, Inc., a Corporation of Delaware having its principal place of business at 7375 Bush Lake Road, Minneapolis, MN 55439, the Disclaimant herein.

2. I hereby certify that Zimmer Spine, Inc. is the assignee of the entire right, title and interest in the patent application identified above by virtue of Assignment(s) of record, recorded in the Patent and Trademark Office at Reel/Frame 015642/0498. I further certify that I have reviewed all the documents in the chain of title of the patent application identified above and, to the best of my knowledge and belief, title is in the assignee identified above.

3. I am empowered to act on behalf of the assignee as identified below.

Disclaimer

4. Disclaimant, Zimmer Spine, Inc. hereby disclaims the terminal portion of the term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of United States Patent No. 5,489,307.

Disclaimant, Zimmer Spine, Inc., hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 5,489,307, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

5. Disclaimant, Zimmer Spine, Inc., does not, by this disclaimer, disclaim any part of the term of any patent granted on the above-identified application prior to the expiration date of the full statutory term of United States Patent No. 5,489,307, in the event that later such patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated in whole or in part, prior to expiration of its full statutory term, except for through separation of legal title as stated above.

6. I hereby declare that the statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section

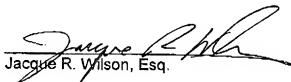
1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Fee Status and Payment

7. Disclaimant is a large entity. Upon acceptance of this disclaimer, please see the electronic fee calculation sheet for the \$130.00 disclaimer fee. Charge any fee deficiency to Deposit Account No. 23-3000.

Respectfully submitted,

Zimmer, Inc.


Jacques R. Wilson, Esq.

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